

File for Permission to File Second or Success Writ in Rule 22(B) 28 USC § 2253(c)(2), 28 USC § 2244 (b)(3)(A) With Motion For Leave to File for a Revocation Hearing for Time Credit" (hereinafter, "C.O.A.")).

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings, conclusions, and recommendation to which specific objection is made. United States v. Raddatz, 447 U.S. 667, 673-75 (1980). The court need not address any nonspecific, frivolous, or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

In his C.O.A., Livingston states that he is, among other things, offering into evidence an objection against the FC&R. While Livingston's C.O.A. includes a variety of arguments, nothing in the C.O.A. could be liberally construed as a specific objection to the FC&R.

Therefore,

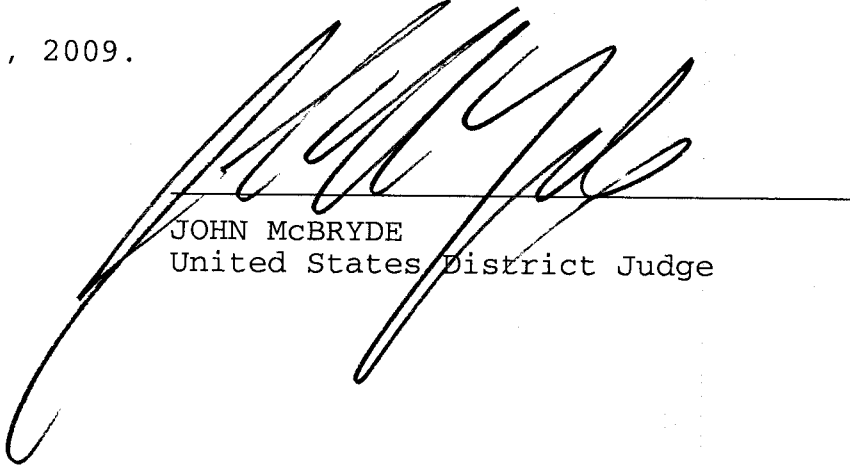
The court accepts the recommendation of the magistrate judge and ORDERS that the application of Barry E. Livingston for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, denied as to his mandatory supervision claim, and dismissed as time-barred as to all other claims.

The court further ORDERS that, insofar as Livingston's C.O.A. can be understood to be a request for Certificate of

Appealability, it be, and is hereby, denied because Livingston has failed to make the requisite showing as set forth in Robison v. Johnson, 151 F.3d 256, 262 (5th Cir. 1998).

The court further ORDERS that all other pending motions in the above-captioned action be, and are hereby, dismissed as moot.

SIGNED August 19, 2009.



JOHN McBRYDE
United States District Judge